

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0078

HOUSE BILL NO. 1030

Introduced by: The Committee on Judiciary at the request of the Office of the Secretary of State

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the appointment of
2 notaries public and the requirements of notary public seals.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 18-1-1 be amended to read as follows:

5 18-1-1. The secretary of state shall appoint notaries public, who have residence in this state
6 as defined in § 12-1-4. A notary public shall hold office for six years unless sooner removed by
7 the secretary of state. An applicant to become a notary public shall complete an application form
8 as prescribed by the secretary of state pursuant to chapter 1-26. The applicant shall submit a fee
9 of twenty-five dollars. The application shall include the applicant's name, street, city, state, zip
10 code, county, and date of birth. The applicant shall apply in the same name as that which will
11 appear as the seal imprint. Each notary may, anywhere in this state, administer oaths and
12 perform all other duties required by law. The secretary of state may not appoint as a notary
13 public any person who has been convicted of a felony. The secretary of state may also appoint
14 an applicant as a notary public if the applicant resides in a county bordering South Dakota and
15 the applicant's place of work or business is within the state of South Dakota. If a notary public



1 who is a resident of a county bordering South Dakota ceases to work or maintain a place of
2 work or business in South Dakota, the commission of the notary public is no longer valid.

3 Section 2. That § 18-1-3.1 be amended to read as follows:

4 18-1-3.1. ~~Any~~ Each notary public shall have a seal which shall be used for the purpose of
5 acknowledging documents. The seal shall be of a type approved by the secretary of state and
6 shall contain at least the following:

- 7 (1) The notary's name;
8 (2) The words, South Dakota;
9 (3) The words, notary public; and
10 (4) A border surrounding the imprint.

11 In addition, rubber stamp seals shall have the word, seal.

12 If a seal is used by a notary public, ~~he~~ the notary public shall write, or print by a device made
13 for such printing, below the seal's imprint or print and if not provided by the form, the words,
14 my commission expires, and shall provide a date therefor. ~~Any such device shall be separate and~~
15 ~~apart from the seal. Any notary public using a seal with the commission expiration date included~~
16 ~~as part of the imprint, prior to the effective date of this section, may use such seal until his~~
17 ~~current commission expires.~~